

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GUY CHRISTOPHER BROGDON,
(TDCJ-CID #1902699)

Plaintiff,

vs.

MONTY HUDSPETH, et al.,

Defendants.

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CIVIL ACTION H-14-3277

MEMORANDUM ON DISMISSAL

The plaintiff has not responded to this court's order entered April 23, 2015, which required him to submit by May 27, 2015, a more definite statement of the facts on which his complaint is based. (Docket Entry No. 7). The court's order specifically provided that "[f]ailure to comply as directed may result in the dismissal of this action." With regard to this court's Order for More Definite Statement, the court must have clear answers to each of its questions before it can evaluate the merits of the plaintiff's claims.

The plaintiff claims that he cannot respond to the court's interrogatories without discovery. (Docket Entry No. 8). In its Order for More Definite Statement, this court instructed as follows:

Plaintiff must answer each question based on his personal knowledge of the facts. Plaintiff's responses must be complete and must not refer the court to information contained in other pleadings previously submitted. Plaintiff must also include at the end of his More Definite Statement the following affirmation: "I swear under penalty of perjury that these answers are true and correct to the best of my knowledge."

(Docket Entry No. 7, pp. 5-6).

The plaintiff's failure to comply with this court's order forces this court to conclude that he lacks due diligence.

Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE ET AL., MOORE'S FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 2010). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED at Houston, Texas, on June 24, 2015.



VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE